

## **Ordinance 04-23**

### **AN ORDINANCE OF THE TOWN OF WESTFIELD FOR ADOPTION OF AN AMENDMENT TO THE WESTFIELD PUBLIC WORKS "WASTEWATER SERVICE RULES AND REGULATIONS"**

**WHEREAS**, The Town of Westfield, Indiana, Hamilton County is governed by a duly elected town council (the "Town Council"); and

**WHEREAS**, the Town Council adopted Ordinance 03-20 on October 13, 2003, which established Wastewater Service Rules and Regulations for Westfield Public Works; and

**WHEREAS**, the Town Council desires to amend the Wastewater Service Rules and Regulations for Westfield Public Works to encompass the full extent of the powers granted municipalities under Indiana Code § 36-9-23-30.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL  
THAT:**

**Section 1.** The Town Council hereby amends Exhibit "A" of Ordinance 03-20, the Town of Westfield Public Works Department Wastewater Service Rules and Regulations, as set forth below:

1. Article II, Paragraph 205 is deleted in its entirety and replaced with the following:

The Town of Westfield Public Works Department Director, or his designee, may require a property owner, at such property owner's expense, to connect houses, buildings, or other structures or property used for human occupancy, employment, recreation or other purposes to the Town's sanitary sewer system and discontinue the use of privies, cesspools, septic tanks, and similar structures if (i) the Town's sanitary sewer system is within 300 feet of the property line of the affected property, and (ii) certified mail notice has been given to the property owner at the address of the property at least 90 days before the date specified for connection in such certified mail notice.

2. Article II, Paragraph 248 is deleted in its entirety and replaced with the following:

Except where the Town of Westfield Public Works Director, or his designee, has required connection to the Town's sanitary sewer system in accordance with Paragraph 205 or where property abuts any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, the property owner shall be connected to a private sewage disposal system complying with the provisions of Paragraphs 249 to 260, inclusive.

3. Article II, Paragraph 253 is deleted in its entirety and replaced with the following:

Whenever a public sewer becomes available to a house, building or property used for human occupancy, employment, recreation or other purposes, which is served by a privy, cesspool, septic tank or similar structure, the Town of Westfield Public Works Department Director, or his designee, may require connection to the Town's sanitary sewer system and discontinuance of use of such privy, cesspool, septic tank or other similar structure in accordance with the provisions of Paragraph 205.

4. Article II, Paragraph 254 is deleted in its entirety and replaced with the following:

Notwithstanding Paragraph 261, failure to connect to the Town's sanitary sewer system or to discontinue the use of a privy, cesspool, septic tank or other similar structure after compliance by the Town of Westfield Public Works Department Director, or his designee, with Paragraph 205, shall result in a penalty of \$100 per violation assessed against the property owner. Each day beyond the date specified for connection shall constitute a separate violation.

**Section 2.** All other provisions of the Town of Westfield Department of Public Works Wastewater Service Rules and Regulations remain in full force and effect.

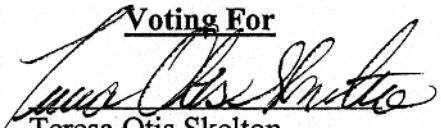
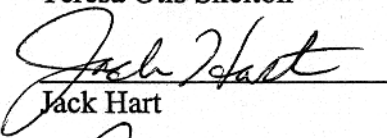
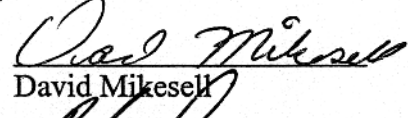
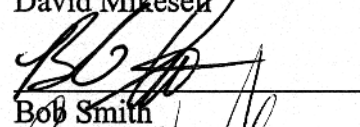
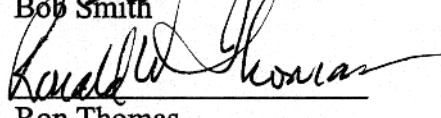
**Section 3.** The actions of the Town staff working under these Rules and Regulations are to be deemed in conformity with Town policy.

**Section 4.** Any current Town policy in effect contrary to these Rules and Regulations shall be deemed void. Any portion of the Rules and regulations that may be later deemed invalid shall not effect the remaining provisions.

**Section 5.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon its passage by the Town Council, its publication in accordance with Indiana law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed.

ADOPTED THIS 14<sup>th</sup> DAY OF June, 2004 BY THE WESTFIELD TOWN COUNCIL

### WESTFIELD TOWN COUNCIL

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 Teresa Otis Skelton	_____ Teresa Otis Skelton	_____ Teresa Otis Skelton
 Jack Hart	_____ Jack Hart	_____ Jack Hart
 David Mikesell	_____ David Mikesell	_____ David Mikesell
 Bob Smith	_____ Bob Smith	_____ Bob Smith
 Ron Thomas	_____ Ron Thomas	_____ Ron Thomas

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer, Cindy Gossard

This ordinance prepared by  
Jerry Rosenberger, Town Manager